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AUG 28 2007

C 07 4469

CW  
(PR)

Dear Clerk,

RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Petitioner previously filed a mixed petition with this court 5/18/07 and it was dismissed with leave to amend 5/24/07. Petitioner had two pending cases, S150880 filed 3/12/07 and S151947 filed 4/19/07.

5/7/07 during a Unit Classification Hearing Petitioner physically made committee members aware of his medical chrono which states, "Cell Housing Due To Medical Condition."

E-filing

6/7/07 Petitioner made his counselor CCI Nunley aware of the same medical chrono and that a mistake had been made by Classification Staff Representative Jaramillo in Endorsing Petitioners transfer to Avenal State Prison, where no "cell housing" exists.

6/11/07 Counselor Nunley explained to Petitioner that a "mistake had been made and that he'd have to go back in front of Committee after she spoke with his previous counselor at West Facility."

6/12/07 Petitioner, after being instructed to turn in his property for transfer, asked counselor Nunley about a new Committee hearing. She stated, "I talked to Covington. He said, you'll have to appeal it."

6/13/07 I was transferred to Avenal State Prison, upon arrival was given the choice of a) violating doctors orders which would put me at greater risk to permanent paralysis or b) be cell housed in Administrative Segregation, the only cell housing available at Avenal State Prison. I chose the latter.

2

Petitioner has been housed in Administrative Segregation from 6/13/07 - present. Petitioner requested his legal papers prior to his 7/18/07 filing deadline and didn't receive them until 7/25/07. Petitioner has filed an inmate appeal concerning his late reception of legal papers prohibiting his access to courts.

Petitioner has also attempted to file an immediate inmate appeal with regards to his improper transfer location prior to his transfer on 6/13/07. CDCR Staff has asked Petitioner to produce various documents to pursue his appeals and yet when Petitioner requests said documents CDCR Staff is reluctant to provide them.

Petitioner has just received his Certified Trust Account Statement on 8/22/07 and will be mailing his federal writ application, request for counsel, and attachment today.

The exhausted portion (Ground 7) of Petitioners previously filed writ was prepared by his appellate attorney Candace Hale of the Sixth District Appellate Program.

Petitioner hopes the court will allow Equitable Tolling due to the aforementioned circumstances which stood in Petitioners way.

Thanks for your consideration, D.N.Hanecd

STATE OF CALIFORNIA  
GA-22 (9/92)**INMATE REQUEST FOR INTERVIEW**

DEPARTMENT OF CORRECTIONS

DATE <u>6/17/07</u>	TO <u>CCI Nunkey</u>	FROM (LAST NAME) <u>Hancock</u>	CDC NUMBER <u>V-49474</u>
HOUSING <u>C-Quar</u>	BED NUMBER <u>5194</u>	WORK ASSIGNMENT <u>MUTD</u>	JOB NUMBER FROM <u>—</u> TO <u>—</u>
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.) <u>—</u>			ASSIGNMENT HOURS FROM <u>—</u> TO <u>—</u>

**Clearly state your reason for requesting this interview.**

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

On 5/30/07 I was endorsed to ASP-II by F. Jaramillo, CSR who stated: "DNH does not impact placement." On 5/7/07 I showed classification members my CDC Medical Chart & the state "I should be

DO NOT write below this line. If more space is required, attach back.

INTERVIEWED BY

DATE

detained due to my medical condition." I can't be  
was chosen #1 and Scheduled. This obviously impacts  
my placement along with the prisons already listed on my CDC  
#1845

STATE OF CALIFORNIA  
GA-22 (9/92)

## INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONS

DATE 8/7/07	TO Trust Office	FROM (LAST NAME) Hancock	CDC NUMBER V-49474
HOUSING 140	BED NUMBER 103L	WORK ASSIGNMENT MUTD AIA Ad Seg	JOB NUMBER FROM - TO -
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.) Ad Seg Thank You			ASSIGNMENT HOURS FROM - TO -

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

*Can I please have a copy of a Certified Trust Account Statement for the past 6 months in order to file a Federal writ for habeas corpus. I am in Ad Seg. I think CCI Martinez is my counsel*

INTERVIEWED BY	Do NOT initial in this area	DATE
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DISPOSITION

*L.H. Richards will probably accept it as well*

CALIFORNIA MEN'S COLONY

**BASED ON THIS INMATE'S**

- acute medical condition       acute mental health condition  
 chronic medical condition       chronic mental health condition  
 temporary impairment or disability  
 permanent impairment or disability

see 1845 (if applicable)**CMC'S MEDICAL DEPARTMENT RECOMMENDS****ACTIVITY RESTRICTIONS:***movement / position*

- no prolonged standing (not longer than 5 minutes every \_\_\_\_\_ minutes)  
 no prolonged sitting (not longer than \_\_\_\_\_ minutes every \_\_\_\_\_ minutes)  
 no climbing  
 no bending, stooping, or twisting  
 no lifting over 10 pounds  
 no crawling  
 no prolonged walking (not more than 100 feet without resting)  
 no use of [ R / L / both ] arm(s)  
 no repetitive use of [ R / L / both ] [ hands / arms ]  
 restricted use of [ R / L / both ] arm (s) Restrictions: \_\_\_\_\_  
 no weight bearing [ R / L ] leg  
 limited weight bearing [ R / L ] leg  
 [ R / L ] leg / foot must be elevated as much as possible  
 physical condition requires frequent rest periods in cell throughout day  
 other PT should be constrained

*environment*

- may not work around heat       may not work with hands in water  
 may not work around or use machinery       may not work outdoors  
 may not work at heights       may not work in dusty areas  
 lower bunk housing recommended  
 other \_\_\_\_\_

**DURATION****TEMPORARY** (less than 6 months) **OR**days (more than 3 days)weeksmonths**PERMANENT** (6 months or more)monthsone-yearpermanent

Upon expiration of this chrono the patient's status will revert to unrestricted, eligible for work unless the patient returns to the medical clinic for further evaluation and possible extension.

8/7/06      9/7/06  
date signed      start date (if different)

Grave S. Drury  
orderly physician signature  
9/1/06      81  
date      initials

INMATE ISSUED 2 COPIES

CMC  
Cc: Central File  
Unit Health Record  
Inmate Assignment LT  
CC II, CC I

Duty Limitation  
CMC-MED-505 (3/02)

INMATE NAME:

CDC NUMBER:

DOB:

HOUSING:

MEDICAL

Hanover, J.  
V49474  
V49474  
24-37L  
Knit 3

CDC 128 C

**INMATE/PAROLEE  
APPEAL FORM**  
 CDC 602 (12/07)

Location: Institution/Parole Region

Log No.

Category

1. \_\_\_\_\_
- 
2. \_\_\_\_\_
- 
1. \_\_\_\_\_
- 
2. \_\_\_\_\_

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
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Hancock	V 49474	Ad Seg MWT	110 103L
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## A. Describe Problem:

On 7/13/07 I requested legal papers from Property c/o Adny in Ad Seg. The reason for the request was so I could properly prepare to reply to a pending ADA appeal. On 7/17/07 you Adny handled my request back to me stating, "I can't find your property." I was forced to file an IT-prepared ADA response to Sacramento. I have two pending Cal. Supreme Court cases, and an I.C.C. hearing dealing with medical issues. The ADA appeal has been delayed and compromised. (see attachment)

If you need more space, attach one additional sheet.

## B. Action Requested:

I'd like a written acknowledgement by staff that I've not been able to obtain my legal materials in my property nor go to the law library since 7/13/07. I'd like some kind of compensation for any harm this incident causes my pending

Inmate/Parolee Signature:

Date Submitted: Appeals doc.

## C. INFORMAL LEVEL (Date Received):

Staff Response:

7/17/07

Staff Signature:

Date Returned to inmate:

## D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature:

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

Date Submitted:

CDC Appeal Number:

I arrived at the BOP on 6/13/07. My property was taken by a Bond Receiver on 6/13/07, the day I arrived. My 8th Amendment Due Process rights have been violated by not being able to access my property in order to properly pursue my ongoing legal issues. My Criminal Appeals Court cases are linked to my Direct Appeal of my criminal conviction. Under the 1st Amendment "Access to Courts"; this right is also being violated.

To reiterate:

- 1) My court cases are pending
- 2) My T.C.C. is pending
- 3) My ADA appeal is pending
- 4) My Medical Evaluation is pending

Arrival date 6/13/07

140-103L

Jeff Hancock  
#49074

STATE OF CALIFORNIA  
ADMINISTRATIVE SEGREGATION UNIT PLACEMENT NOTICE  
CDC 114-D (Rev 10/98)

DEPARTMENT OF CORRECTIONS

DISTRIBUTION:  
WHITE - CENTRAL FILE  
BLUE - INMATE (2ND COPY)  
GREEN - ASU

CANARY - WARDEN  
PINK - HEALTH CARE MGR  
GOLDENROD - INMATE (1ST COPY)

## INMATE'S NAME

HANCOCK, JEFF

(W)

140-2-21L

CDC NUMBER  
V-49474

## REASON(S) FOR PLACEMENT (PART A)

- PRESENTS AN IMMEDIATE THREAT TO THE SAFETY OF SELF OR OTHERS  
 JEOPARDIZES INTEGRITY OF AN INVESTIGATION OF ALLEGED SERIOUS MISCONDUCT OR CRIMINAL ACTIVITY  
 ENDANGERS INSTITUTION SECURITY       UPON RELEASE FROM SEGREGATION, NO BED AVAILABLE IN GENERAL POPULATION

DESCRIPTION OF CIRCUMSTANCES WHICH SUPPORT THE REASON(S) FOR PLACEMENT: On Wednesday, June 13, 2007, you, Inmate HANCOCK V-49474, arrived at Avenal State Prison from CMC-E State Prison via CDC Bus Transportation Schedule "J". HANCOCK has a Tabe Score of (11.5). Lt. I.C. Aviles reviewed your C-File and determined that housing you in ASP's Dorm Setting would be in conflict with a Medical Chrono dated 09/22/06. Therefore, you are deemed a threat to the safety and security of the institution, its staff and inmates. You are being housed in Ad-Seg pending ICC/UCC review. Effective communication was established by having subject read aloud circumstances portion of the lock up order. Subject states that he understands his placement in Ad-Seg. Subject IS NOT a participant in the mental health services Delivery System at the COOMS level of care.

CONTINUED ON ATTACHED PAGE (CHECK IF ADDITIONAL)     IF CONFIDENTIAL INFORMATION USED, DATE OF DISCLOSURE:

DATE OF ASU PLACEMENT	SEGREGATION AUTHORITY'S PRINTED NAME	SIGNATURE	TITLE
06/13/07	I.C. AVILES	<i>I.C. Aviles</i>	LIEUTENANT
DATE NOTICE SERVED	TIME SERVED	PRINTED NAME OF STAFF SERVING ASU PLACEMENT NOTICE	SIGNATURE
06/13/07	1905	<i>S. GARCIA</i>	<i>J. K. Brown</i>
INMATE REFUSED TO SIGN	INMATE SIGNATURE	CDC NUMBER	
	<i>X (Jeff Hancock)</i>	V-49474	

## ADMINISTRATIVE REVIEW (PART B)

The following to be completed during the initial administrative review by Captain or higher by the first working day following placement.

## STAFF ASSISTANT (SA)

## INVESTIGATIVE EMPLOYEE (IE)

STAFF ASSISTANT NAME	TITLE	INVESTIGATIVE EMPLOYEE'S NAME	TITLE

## IS THIS INMATE:

LITERATE?       YES     NO  
FLUENT IN ENGLISH?       YES     NO  
ABLE TO COMPREHEND ISSUES?       YES     NO  
FREE OF MENTAL HEALTH SERVICES DELIVERY SYSTEM NEEDS?       YES     NO  
DECLINING FIRST STAFF ASSISTANT ASSIGNED?       YES     NO

EVIDENCE COLLECTION BY IE UNNECESSARY  
DECLINED ANY INVESTIGATIVE EMPLOYEE  
ASU PLACEMENT IS FOR DISCIPLINARY REASONS  
DECLINED 1ST INVESTIGATIVE EMPLOYEE ASSIGNED

YES     NO  
 YES     NO  
 YES     NO  
 YES     NO

Any "NO" requires SA assignment

Any "NO" may require IE assignment

 NOT ASSIGNED NOT ASSIGNED

## INMATE WAIVERS

INMATE WAIVES OR DECLINES INTERVIEW WITH ADMINISTRATIVE REVIEWER     INMATE WAIVES RIGHT TO 72 HOURS PREPARATION TIME

 NO WITNESSES REQUESTED BY INMATE

INMATE SIGNATURE

DATE

## WITNESSES REQUESTED FOR HEARING

WITNESS' NAME	TITLE/CDC NUMBER	WITNESS' NAME	TITLE/CDC NUMBER

DECISION:  RELEASE TO UNIT/FACILITY     RETAIN PENDING ICC REVIEW     DOUBLE CELL     SINGLE CELL PENDING ICC

## REASON FOR DECISION:

*If this housing gets regular ICC review*

ADMINISTRATIVE REVIEWER'S PRINTED NAME	TITLE	DATE OF REVIEW	TIME	ADMINISTRATIVE REVIEWER'S SIGNATURE
<i>Smith</i>	FC	6/15/07	1505	<i>Smith FC</i>
CORRECTIONAL ADMINISTRATOR'S PRINTED NAME (if necessary)				CORRECTIONAL ADMINISTRATOR'S CO-SIGNATURE (if necessary)

